

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Speaking Invitation - National Conference of Commissioners on  
Uniform State Laws 29 July 1988

FROM:

William M. Baker *WB*  
Director, Public Affairs

EXTENSION

27676

NO.

PAO 88-0212

DATE

16 June 1988

TO: (Officer designation, room number, and  
building)

DATE

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INITIALSCOMMENTS (Number each comment to show from whom  
to whom. Draw a line across column after each comment.)

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EDITIONS

☆ U.S. Government Printing Office: 1985-494-834/49156

P-309-1R

16 June 1988

JUDGE:

RE: Speaking Invitation  
National Conference of Commissioners on Uniform State Laws  
Westin Hotel, Washington, D.C.  
29 July 1988

On behalf of President Michael B. Sullivan and the Executive Committee of The National Conference of Commissioners on Uniform State Law, Mr. Dwight A. Hamilton has invited you to give the welcoming address at the Conference's annual meeting 29 July 1988 in Washington. The suggested format is 10 to 15 minutes of welcoming remarks and generally anything you might like to add in connection with uniform laws or relating to your experience with the Court of Appeals, the FBI or the CIA. The audience will be 250 to 300 lawyers. There will be minimal media coverage.

The Conference membership consists of 250 to 300 lawyers who are appointed by their state legislatures or governors. Headquartered in Chicago, it is a non-partisan organization that reviews state laws and advocates legislation that promotes interstate cooperation and reduces variations among state laws. It has drafted more than 200 uniform laws that have been adopted by the majority of the states. It is known as the drafting arm of the American Bar Association. The members usually remain commissioners for many years -- Dwight Hamilton has been one for 22 years.

From the tone of the letter you have good connections with this group and you may indeed wish to meet with them. However, you have been speaking to a good number of legal groups these past months. In April you spoke at the St. Louis Bar Association Law Day, in May to the District of Columbia Circuit's Judicial Conference and in June to the Arkansas Bar Association. You are now scheduled to speak at the Eighth Circuit Conference in July and at the ABA conference in Toronto in August. I would like to see you accept more invitations from world affairs councils, academic groups and leading financial and industrial groups and I am aware of the many demands on your time. Peg also indicated that the last week of July is a busy workweek. I recommend that you decline this invitation and have attached a letter of regret for your signature.

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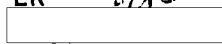


Bill Baker

DCI/PAO/WMB

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Central Intelligence Agency



Washington, D.C. 20505

Executive Registry

88-2532

20 JUN 1988

Mr. Dwight A. Hamilton, Esq.  
Hamilton, Myer, Swanson, Faatz & Clark  
Attorneys at Law  
The Colorado State Bank Building  
1600 Broadway Suite 600  
Denver, Colorado 80202-4988

Dear Mr. Hamilton:

I recall meeting you in Denver, and I would very much like to meet with the National Conference of Commissioners on Uniform State Laws. Unfortunately, my job at the Agency keeps me on a very tight schedule. This July is especially difficult and I cannot accept your invitation. The work that the Conference does on reviewing state laws and proposing legislation is greatly needed and I congratulate you and the conference on your work.

Best wishes for a successful conference.

Sincerely yours,

/s/ William H. Webster

William H. Webster  
Director of Central Intelligence

(b)(6)  
STAT

HAMILTON, MYER, SWANSON, FAATZ & CLARK

ATTORNEYS AT LAW

THE COLORADO STATE BANK BUILDING  
1600 BROADWAY • SUITE 600  
DENVER, COLORADO 80202-4988  
TELEPHONE (303) 830-0500  
FACSIMILE: (303) 860-7855

OF COUNSEL  
KENNETH W. CAUGHEY

FRED E. NEEF  
(1910-1986)

PIERPONT FULLER  
(1906-1983)

JOHN M. EVANS  
(1911-1984)

ROBERT SWANSON  
RENDLE MYER  
DWIGHT ALAN HAMILTON  
CLYDE A. FAATZ, JR.  
GLEN B. CLARK, JR.  
JOHN T. WILLSON  
ALLAN B. ADAMS  
ROBERT K. SWANSON  
LARRY G. JOHNSON  
JAMES H. MARLOW  
THOMAS J. WOLF

JAN E. MONTGOMERY  
VALERIE W. KENNEY  
NOELLE PAIGE  
GREGORY W. SMITH

May 24, 1988

The Honorable William H. Webster  
Director of Central Intelligence  
Washington, D.C. 20505

Dear Judge Webster:

STAT  
(b)(6)

It has also been my honor to represent the State of Colorado on the National Conference of Commissioners on Uniform State Laws since 1965. The Conference, as I am sure you are aware, was organized nearly 100 years ago to promote uniformity by voluntary action of state government. Since its organization, the Conference has drafted over 200 uniform laws on numerous subjects and in various fields of law, many of which have been widely enacted by the states. The 1988 Annual Meeting will be held in Washington, D.C. at the Westin Hotel from Friday, July 29 through Friday, August 5. I am sure that you will recall that your former colleague, Judge Floyd R. Gibson, is a life member of the Uniform Law Conference.

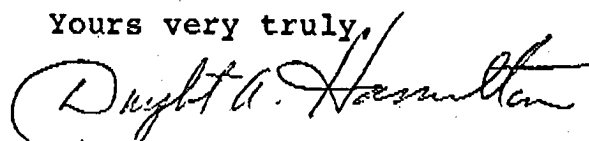
It has been a tradition of the Conference at the opening session to have a dignitary from the area officially welcome the Commissioners. I have been asked by President Michael B. Sullivan and the Executive Committee to invite you to make the welcoming address at the opening session of our 1988 meeting on Friday morning, July 29, 1988.

I am enclosing a pamphlet entitled, "A Tradition of Excellence," which is a brief history of the Uniform Law Conference, and it explains how it works. Another pamphlet entitled, "Genesis of a Law," is also enclosed to inform you of the activities of the Conference. We would be highly honored if you would

The Honorable William H. Webster  
May 24, 1988  
Page 2

appropriately welcome the National Conference to Washington, D.C., and if you felt inclined, to tell us of some of your interesting experiences on the Court of Appeals, as Director of the F.B.I., and now as Director of Central Intelligence.

Yours very truly,

  
of HAMILTON, MYER, SWANSON,  
FAATZ & CLARK

Enclosures  
DAH:dt  
COR01S

HAMILTON, MYER, SWANSON, FAATZ & CLARK

ATTORNEYS AT LAW

ROBERT SWANSON  
RENDLE MYER  
DWIGHT ALAN HAMILTON  
CLYDE A. FAATZ, JR.  
GLEN B. CLARK, JR.  
JOHN T. WILLSON  
ALLAN B. ADAMS  
ROBERT K. SWANSON  
LARRY G. JOHNSON  
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DENVER, COLORADO 80202-4988  
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(1911-1984)

JAN E. MONTGOMERY  
VALERIE W. KENNEY  
NOELLE PAIGE  
GREGORY W. SMITH

May 26, 1988

The Honorable William H. Webster  
Director of Central Intelligence  
Washington, D.C. 20505

Dear Judge Webster:

Enclosed please find the two pamphlets concerning the activities of the National Conference of Commissioners on Uniform State Laws discussed in Mr. Dwight Hamilton's letter to you of May 24, 1988. Due to an oversight on my part, the pamphlets were not mailed with the letter.

I apologize for any inconvenience or confusion this may have caused you.

Yours very truly,



Deanna Tolman,  
Secretary to Dwight A. Hamilton

Enclosures

# A Tradition of Excellence

## *A Brief History of ULC & How It Works*

It was a century ago that lawyers first recognized how wide variations in state laws could tangle interstate problems. The Alabama State Bar Association is credited with taking the first formal action to encourage development of "uniform" laws to deal with the problem. That came in an 1881 resolution.

But it was not until August, 1889, when the American Bar Association was holding its 12th annual meeting, that there was a formal move to work for "uniformity in the laws" of the then 44 states.

Within a year, the New York Legislature authorized that state's governor to appoint three commissioners "to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity of the laws of the states; and especially to consider whether it would be wise and practicable for the state of New York to invite other states of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several states. . ."

A few months later, the ABA endorsed the New York action and urged every other state, the District of Columbia and territorial legislatures to follow the example.

### *In the Beginning - Seven States*

Other states heeded the call. When the first meeting of the "Conference of State Boards of Commissioners on Promoting Uniformity of Law in the U.S." was held in Saratoga, N.Y., Aug. 24, 1892, seven states sent commissioners. They were Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania.

The new commissioners didn't waste time. They immediately completed and urged states and territories to adopt three acts - Act Relating to Acknowledgments on Written Instruments; Act Validating Wills Lawfully Executed Without the State; and Act Recognizing as Valid, Wills Probated in Another State.

These first commissioners on uniform laws also recommended that states enact laws governing payment of notes; validating contracts; divorce; and marriage. The latter included raising the marrying age to 18 for males and 16 for females.

They also adopted a table of weights and measures after noting "it will probably be a surprise to most people to learn that legal weights of a bushel . . . with the exception of wheat alone, vary in all states."

After this first burst of activity, the Conference produced no other proposals until 1896 when the Negotiable Instruments Act was completed. This was to become the only act adopted by every state and the District of Columbia.

### *Uniform and Model Acts*

In addition to "Uniform Acts," which every state is urged to adopt, ULC also drafts "Model Acts" to guide legislatures dealing with issues that need not be treated uniformly by all states. Some models — such as the Model State Administrative Procedure Act — have been adapted for use by most states.

It's important to state treasuries that most ULC proposals fall into the category of "private law" — the body of law based on English common law that governs the basic legal relationships between people. No governmental body intervenes in "private law" relationships. People conduct their affairs without interference. When a breach of a legally enforceable, private obligation occurs, the courts are available to sort out the facts and grant remedies which range from monetary payments to injunctive relief. For example, the Uniform Residential Landlord and Tenant Act governs the contractual relationship between landlord and tenant. This relationship proceeds unfettered unless a party breaches an obligation — such as a landlord's obligation to maintain fit and safe premises. If such a breach occurs, then the wronged party can seek damages and reparations for losses sustained.

This contrasts with "public law" which usually involves using an executive agency, or bureau, as a regulatory body. In that case, legislatures enact laws vesting authority in an administrative agency which then carries out the duties of investigator, rulemaker, regulator and enforcer. Because new agencies must be created to enforce public law, it usually costs more money.

### *Why the Conference Works*

Dedicated commissioners make the Conference work. They include about 250 practicing lawyers, law professors and judges. It is the effort contributed by these people — commissioners receive no salaries or fees for their work with the Conference — that earned NCCUSL the media label of "prestigious." In this century, President Woodrow Wilson and U.S. Supreme Court Justices Louis D. Brandeis and William F. Rehnquist served as commissioners. So did such law school legends as Roscoe Pound of Harvard.

Commissioners are appointed by each of the 50 states, the District of Columbia and Puerto Rico. The number of commissioners appointed (most states have at least three) and the method of appointment varies from state to state. In most states, the governor is responsible for appointments. But commissioners usually are considered non-partisan. This leads to many commissioners being appointed by the governor of one party and reappointed by the governor of another party. In this way, some commissioners serve ULC for decades.

### *A Two-Part Job*

Such dedicated commissioners usually relish both parts of their unpaid service. This includes drafting and then working for enactment of modern legislation designed to solve problems common to all states.

ULC's reputation was built on the high quality of its drafts. That quality is the result of a procedure structured to bring a unique blend of legal minds to bear on a problem. It begins with the choice of a drafting committee whose members are selected to insure that as much expertise and as many viewpoints as possible will be represented at the drafting table.

For example, there were a number of real estate law experts appointed to the committee responsible for preparing preliminary drafts of the land transactions package which includes the Uniform Land Transactions Act (ULTA), Uniform Simplification of Land Transfers Act (USOLTA), Uniform Condominium Act (UCA), Uniform Planned Community Act (UPCA) and Model Real Estate Cooperative Act (MRECA). These included commissioners who were law school professors as well as practicing lawyers specializing in



LEVEL 2 - 14 OF 30 STORIES

Nation's Restaurant News Newspaper  
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June 1, 1987

LENGTH: 997 words

HEADLINE: Federal Trade Commission's franchise rule: an exercise in futility

BYLINE: Rankin, Ken

... better from the commission and other federal regulatory agencies.

The question is not simply whether the burdens of the franchise rule are outweighed by its benefits, or whether there continues to be a need for disclosure by franchising companies.

Rather, the question is whether the current rule could be improved to provide even greater benefits to both parties in the franchise relationship. Clearly, improvements not only are possible but also are badly needed. And just as clearly, the FTC is shirking its responsibilities.

Underscoring the importance of the FTC's refusal to clean up federal franchise ground rules is the growing franchisee disenchantment with efforts to develop a "uniform" franchise law for the states.

For several years now the National Conference of Commissioners on Uniform State Laws has been grappling with the current patchwork of state franchise statutes, many of which duplicate or conflict with the commission's disclosure requirements.

Initially, the prospect of a model statute offering uniform ground rules to states for regulating the franchise relationship drew an enthusiastic response from both franchisors and franchisees.

Now, however, many organized franchisees feel betrayed by the conference.

The latest draft law developed by that group is so "one-sided" that it would result in "a diminution of the rights of, and protection for, franchisees," officials at the National Alliance of Franchisees and Dealers charged.

In urging all franchisees to oppose adoption of the conference's proposed model, the ...

LEVEL 2 - 15 OF 30 STORIES

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The New York Times

May 10, 1987, Sunday, Late City Final Edition

SECTION: Section 11NJ; Page 1, Column 5; New Jersey Weekly Desk

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consume greater percentages of smaller estates. In California, for example, a lawyer handling a \$ 100,000 estate would earn at least \$ 3,150, or 3%, and \$ 61,150, or 2%, for probating a \$ 3 million estate. The attorney could charge additional fees for selling assets, preparing an estate tax return or defending the estate against claims by creditors or disgruntled survivors. Says John McCabe, the legislative director for the National Conference of Commissioners on Uniform State Laws: "The probate process has been a cash cow for attorneys. Small law firms pay their basic office expenses with probate fees." You can obtain a fee schedule from your county's probate court.

Unlike a will, a living trust can also shield your estate from creditors. With a will, your executor is required to notify your creditors of your demise by mail and newspaper advertisement so they can submit their claims against your estate. If you placed your assets in a living trust, however, no such publicity is necessary. But you can't escape your creditors during your lifetime ...

## LEVEL 2 - 9 OF 30 STORIES

Copyright © 1987 McGraw-Hill, Inc.;  
Engineering News-Record

September 24, 1987

SECTION: NEWS; Pg. 15

LENGTH: 318 words

HEADLINE: Uniform state lien law aired

## BODY:

A split may develop in the construction industry over a proposed rewriting of state laws used by contractors, subcontractors and materials suppliers to get paid. The proposal, to be sent to each state legislature, gives owners new protections against liens filed by subcontractors and gives subs less clout in collecting from prime contractors.

The Uniform Construction Lien Act was adopted last month by the National Conference of Commissioners on Uniform State Laws, a semi-official group that tries to reduce variations among state laws. If the measure is endorsed by the American Bar Association this winter, it will go to state legislatures for consideration. Eventually, it could ensure that firms face the same lien rules on all jobsites.

However, the act would also give developers considerably more protection from liens than they now have in most jurisdictions. Although some states have passed laws protecting property owners in billing disputes, elsewhere they can face liens from subs even if prime contractors have already been paid in full.

Under the proposal, owners can limit their lien ...

## LEVEL 2 - 10 OF 30 STORIES

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Daily Report For Executives

© 1987 Pensions & Investment Age, December 14, 1987

John McCabe, legal counsel and legislative assistant at the National Conference of Commissioners, said the conference is composed of representatives from each state; governors appoint Uniform Law Commissions, which are affiliated with the conference.

The conference is responsible for reviewing state laws and proposing legislation that makes uniform a group of laws contained in separate statutes.

This is pulled together by the conference under the Uniform Commercial Code, making it easy to ...

#### LEVEL 2 - 6 OF 30 STORIES

Copyright © 1987 American Bankers Association;  
ABA Banking Journal

November, 1987

SECTION: COMPUTERS & OPERATIONS; Payment Law Change; Pg. 24

LENGTH: 781 words

HEADLINE: Old UCC code gets up-to-date

#### BODY:

... years. The UCC is a collection of laws that guide commercial enterprises.

The current proposed draft has two distinct parts, according to Johanna Sabol, associate general counsel at the American Bankers Association in Washington. The first is a substantial revision to UCC Articles 3 and 4. The intent is to modernize the 30-year-old laws governing checks and other paper instruments.

The second part -- Article 4A -- is brand new. Dubbed the Wholesale Wire Transfer Code, it will govern transfers of large amounts among banks and corporations.

The first reading of these articles was held during early August. The proposals were approved by the National Conference of Commissioners on Uniform State Laws. Sabol encourages bankers to provide input before the changes are finalized. Horse and buggy. According to the remarks made at the reading by Professors William D. Warren and Robert L. Jordan of UCLA School of Law, there are several reasons for the proposed changes.

Article 3 is the most dated article of the UCC. Relying heavily on the Uniform Negotiable Instrument Law that it replaced, some of the concepts of this article are as archaic as its language.

Article 4 -- which was based on the Bank Collection Code drafted by bankers -- was written early in the technological revolution brought on by the use of computers. Although this article has remained surprisingly ...

LEVEL 2 - 1 OF 30 STORIES

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Los Angeles Times

May 23, 1988, Monday, Home Edition  
Correction Appended

SECTION: Part 1; Page 1; Column 1; Metro Desk

LENGTH: 3011 words

HEADLINE: CONTROLLING THE END;  
RIGHT-TO-DIE LAWS TAKE ON NEW LIFE

BYLINE: By MYRNA OLIVER, Times Legal Affairs Writer

BODY:

... in the Senate Appropriations Committee.

Assemblyman Elihu Harris (D-Oakland) also has introduced a bill, which has passed the Assembly and is now awaiting Senate committee hearings. His bill would scrap the Natural Death Act and substitute a similar law advocated for all states and titled the Uniform Rights of the Terminally Ill Act.

Harris' proposal differs from Keene's amendments primarily in eliminating the five- or seven-year limit on the document and providing only for terminal patients and not for those in comas.

Adopted by Some States

Harris aide Valerie Lewis said the assemblyman is carrying the bill at the request of the National Conference of Commissioners on Uniform State Laws. Already adopted by six states, the uniform law would make a living will written in one state valid in other states.

Legal scholars who deal with biomedical ethics, however, believe that the Natural Death Act has already been supplanted by more workable legislation and should be allowed to remain moribund.

They believe the 1976 law is too restrictive because it provides only for refusing heroic treatment and can be used only by terminal patients.

"The problem with the Natural Death Act is that it only offers one choice -- thanks but no thanks," said Leslie S. Rothenberg, UCLA ethicist and professor of ...

CORRECTION-DATE: June 4, 1988, Saturday, Home Edition

CORRECTION:  
FOR THE RECORD

A May 23 story in The Times headlined "Right-to-Die Laws Take On New Life" omitted the fact that a proposed initiative called the humane and dignified death act had failed to qualify for the November ballot. The office of the secretary of state ruled the measure unqualified at the end of the signature verification period, May 20, after proponents collected only 129,766 valid